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Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Board of Elevator Regulations – Hearing Minutes – September 3, 2013

This meeting was held in accordance with G. L. c. 30A, the Open Meeting Law

Present:

Walter Zalenski, Chair
Kevin McGettigan, Member
Deborah Ho, DPS

Cheri Davis, Member
Thomas Riley, Member

David Gaudet, Member
Deidre Hosler, Legal Counsel
Susan Genduso, DPS

Absent:

John O'Donoghue, Member

Harold McGonagle, Member

Michael Nicoloro, Member

Meeting is called to order and board members are introduced by Walter Zalenski – a quorum is present.

Petitions:

1. 150 Ashland Street, North Adams: 209-P-1 and 209-P-2 – Inspectors Report - 524 CMR 17.02

Owner: North Adams Housing Authority, PO Box 666/150 Ashland Street, North Adams, MA 02147

Petitioner: William Schrade, North Adams Housing Authority

Petitioner is seeking a relief based on inspector's report, from 524 CMR 17.02 - Machine Door Missing. Petitioner proposes installing a chain link fence with lockable door. The door swing is incorrect on Reinhardt Associates, Inc. Sketch A.1.08.09.13. A motion has been put forth by Cheri Davis to grant the variance *providing the door swings away from disconnects (opposite the way it is shown on the sketch) and proper signage is installed.

Motioned by: Cheri Davis

Seconded by: David Gaudet

Vote: 5-0 – variance granted with *provisions

2. 176 Walker Street, Lowell: 160-F-396 – Reclassification of Freight Elevator to VRC – 524 CMR 32

Owner: Mammoth Fire Alarms, Inc., 176 Walker Street, Lowell, MA 01854

Petitioner: Charles Beaulieu, Sr., Mammoth Fire Alarms, Inc.

Petitioner is seeking a variance from 524 CMR 32 to reclassify a Chapter 288 Freight Elevator and convert it to a Vertical Reciprocating Conveyer. A motion has been put forth by David Gaudet to grant the variance.

Motioned by: David Gaudet

Seconded by Kevin McGettigan; opposed by Walter Zalenski

Vote: 4-1 – variance granted

3. **8 Beacon Street, Boston: 1-P-647 and 1-P-648 – Inspectors Report – 524 CMR 17.40 (1)**

Owner: 93 Realty Trust, 8 Beacon Street, 6th Floor, Boston MA 02108

Petitioner: Dennis Driscoll, Atlantic Elevator Service (North)

Petitioner is seeking a relief based on inspector's report, from 524 CMR 17.40 (1) Size of Platform, and requests that he be allowed to re-install the medical emergency features, despite the fact that the platform is too small. The key switches were removed previously per Department of Public Safety order. A motion was put forth by Kevin McGettigan to place the variance request on hold until the Petitioner submits a letter to the Board from the responding EMS Company recommending the acceptance of the re-installation.

Motioned by: Kevin McGettigan

Seconded by: Dave Gaudet

Vote: 5-0 variance "on hold"

4. **565 Maple Street, Danvers: 71-P-264: 71-P-264 – 524 CMR 3.7.2**

Owner: Essex Tech High School District, 565 Maple Street, Danvers MA 01923

Petitioner: George Harvey, Essex Tech High School Building Committee

Petitioner is seeking a variance from 524 CMR 3.7.2 Clearance around Hydraulic Machines. A "boxed out" conduit is located near the hydraulic elevator power unit and the clearance between the conduit and the power unit is less than the required two feet. A motion was put forth by Kevin McGettigan to grant the variance.

Motioned by: Kevin McGettigan

Seconded by: Cheri Davis

Vote: 5-0 variance granted

Review: Petitions heard at Board of Elevator Regulations Hearing of August 27th when no quorum was present.

5. **42 White Street, East Boston: A17.1 – 1996 Rule 2100.7**

Petitioner is seeking a variance for the installation of a vertical lift that will exceed 10' travel distance. A motion was put forth by Dave Gaudet to grant the variance to allow the installation of a lift with a maximum travel distance of 12'-0".

Motioned by: Dave Gaudet

Seconded by: Thomas Riley; opposed by Kevin McGettigan

Vote: 4-1 variance granted

6. **101 Page Street, New Bedford: 201-P-162 – 524 CMR 17.02 and 17.03**

Petitioner is seeking a relief based on Inspectors report, to install an exhaust fan to vent the hoistway and to allow drain pipes that pass through the machine room to remain. A motion was put forth by Cheri Davis to place the relief request on hold until BER Hearing of September 17th when the Petitioner will present more venting information.

Motioned by: Cheri Davis

Seconded by: Thomas Riley

Vote: 5-0 relief "on hold"

7. **150-160A Warren Street, Boston: 524 CMR 31.01**

Petitioner is seeking a variance for the installation of a casket lift to be used to transport both wheelchair passengers and caskets. A motion was put forth by Dave Gaudet to deny the variance.

Motioned by: Dave Gaudet

Seconded by: Cheri Davis

Vote: 5-0 variance denied

8. **38 Chauncy Street, Boston: 1-F-2185 – 524 CMR 17.15 (4) (b)**

Petitioner is seeking a variance to use a freight elevator to transport people during limited hours. A motion was put forth by Dave Gaudet to deny the variance.

Motioned by: Dave Gaudet

Seconded by: Thomas Riley

Vote: 5-0 variance denied

9. 91 Newbury Street, Boston: 1-P-5710 - Inspectors Report

Petitioner is seeking relief based on inspector's report that required the owner to tie their stand alone fire system into the city system. A motion was put forth by Dave Gaudet to abate the order since there is nothing in our code requiring that the fire system be tied to the city's system.

Motioned by: Dave Gaudet

Seconded by: Thomas Riley

Vote: 5-0 order abated

10. 50 Franklin Street, Worcester: 348-P-376 - Inspectors Report

Petitioner is seeking relief based on inspector's report citing 524 CMR 35.10 requiring that the elevator be brought up to current code because of the scope of work performed. A motion was put forth by Thomas Riley to abate the order based on the way that Massachusetts promulgates the code. It is recommended by the Board that the Elevator Code A10 Advisory Group look at the way that permits are issued for material changes and considers amending the code.

Motioned by: Thomas Riley

Seconded by Cheri Davis, opposed by Kevin McGettigan and David Gaudet

Vote: 3-2 order abated

11. GEN2S Installation: Multiple locations

Will be reviewed at the next Board Hearing scheduled for September 17, 2013

Additional Items:

12. Keystone Elevator : Education Provider

Brian Haggerty presented his credentials as a National Association of Elevator Contractors -Certified Elevator Technician and requested that the Board approve him to teach Elevator Mechanic Apprentice Education in Massachusetts. Upon review by Deirdre Hosler it was determined that the Board of Elevator Regulations is not the body responsible for approval of apprenticeship training programs.

13. Review of Board of Elevator Regulations Minutes

- a. July 16, 2013 Minutes: A motion was put forth by Kevin McGettigan to approve the minutes - seconded by David Gaudet – vote: 5-0 minutes approved
- b. July 30, 2013 Minutes: A motion was put forth by Kevin McGettigan to approve the minutes - seconded by David Gaudet – Thomas Riley abstained – vote: 4-1 minutes approved
- c. August 6, 2013 Minutes: A motion was put forth by Cheri Davis to approve the minutes – seconded by David Gaudet vote: 5-0 minutes approved
- d. August 27, 2013 Minutes: A motion was put forth by David Gaudet – seconded by Kevin McGettigan – Cheri Davis abstained - vote: 4-1 minutes approved

Exhibit List:

1. Variance petition packet: 150 Ashland Street, North Adams
2. Variance petition packet: 176 Walker Street, Lowell
3. Variance petition packet: 8 Beacon Street, Boston
4. Variance petition packet: 565 Maple Street, Danvers
5. Variance petition packet: 42 White Street, East Boston
6. Variance petition packet: 101 Page Street, New Bedford
7. Variance petition packet: 150-160A Warren Street, Boston
8. Variance petition packet: 38 Chauncy Street, Boston
9. Variance petition packet: 91 Newbury Street, Boston
10. Variance petition packet: 50 Franklin Street, Worcester
11. Variance petition packet: GEN2S Installation – Multiple Locations
12. Apprenticeship training materials packet: Keystone Elevator (Brian Haggerty)

A motion was put forth to adjourn the meeting by David Gaudet, motion seconded by Kevin McGettigan. Meeting adjourned at 3:30pm.